

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS**

United States of America

Plaintiff(s),

v.

Edward Martinez-Cermeno

Defendant(s),

Case No: 1:25-cr-51

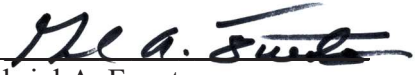
Magistrate Judge Gabriel A. Fuentes

ORDER

Initial appearance and removal proceedings held in open court on 1/28/25. Spanish interpreters Catalina Johnson, Jose Pina, and Roberto Mendoza present and sworn in. Defendant Edward Martinez-Cermeno appears in response to an arrest on 1/26/25 pursuant to a complaint and arrest warrant issued in the Western District of Texas. Based on review of the tendered financial affidavit, the Court finds that Defendant is unable to afford counsel. Enter Order appointing Attorney Kathleen Leon of the Federal Defender Program as counsel for Defendant for purposes of the removal proceedings in the Northern District of Illinois only. Defendant advised of the petty offense/misdemeanor charge and the maximum penalty, and he was informed of his rights and of prosecutorial obligations, all per Rule 58(b)(2). He was further advised of the provisions of Rule 20, out of an abundance of caution. The government makes an oral motion for detention under 18 U.S.C. § 3142(f)(2)(A). Defendant objected to the government's Section 3142(f)(2)(A) proffer, and for the reasons stated on the record, the Court finds that a detention hearing may not be held on the government's motion, as the government did not meet its burden by a preponderance of the evidence that the defendant is a serious flight risk. As no detention hearing may be held, the detention motion is denied. Defendant was admonished on the record of the terms and conditions of the release order. Defendant released on a \$4,500.00 appearance bond with conditions. Enter Order Setting Conditions of Release. Defendant is ordered released after processing. Defendant waives the identity hearing. The Court enters a finding of identity. Terminated defendant Edward Martinez-Cermeno. Further, the Court found that under Fed. R. Crim. P. 5(c)(3)(D), grounds exist for transfer and commitment of this matter to the Western District of Texas for reasons stated on the record, including defendant's waiver of his right to an identity hearing. As stated on the record, the Court orders the defendant to appear as directed in the Western District of Texas, where the charges are pending, to answer those charges. Enter Order. The Court orders the defendant to appear for a hearing before the designated judge at a date, time, and format that is to be determined at the U.S. District Court, Western District of Texas, 111 East Broadway, Del Rio, Texas 78840. A status report from the government regarding the status of release and transfer is to be filed by noon on 2/4/25. As stated on the record at today's hearing, today's release order provides for defendant to be released from U.S. Marshals Service custody upon processing, meaning his release from criminal law enforcement custody must occur in the ordinary course and may not be delayed (so that his criminal law enforcement custody in this matter may not be prolonged) by the existence of any ICE civil administrative detainer request. See U.S. v. Valdez-Hurtado, 638 F. Supp. 3d 879, 888-97 (N.D. Ill. 2022).

(01:30)

Date: 1/28/2025

/s/ 
Gabriel A. Fuentes
United States Magistrate Judge